

Appl. No. : 10/714,368  
Filed : November 14, 2003

### REMARKS

On page 2 of Office Action, the Examiner required restriction to one of the following inventions:

- I. Claims 1-21,35-56 and 71-80, drawn to the clamping assembly, classified in class 72, subclass 155.
- II. Claims 22-30, drawn to a leverage mechanism, classified in class 74.
- III. Claims 31-34, drawn to a method of manufacturing, classified in class 29.
- IV. Claims 57-70, drawn to a method of positioning and gripping, classified in class 269.

#### *Office Action at 2.*

On page 4 of the Office Action, the Examiner required an election of species within Group I as follows:

1. Species I, Figure 3A
  - a. Sub-Species I, Figure 3A
  - b. Sub-Species II, Figure 3B
  - c. Sub-Species III, Figure 3C
2. Species II, Figure 4

#### *Office Action at 4.*

With respect to Groups I-IV, Applicant hereby elects Group I without traverse. However, with respect to Species I and II, Applicant hereby elects Species II with traverse.

#### I. Traversal of Requirement to Elect Species and Subspecies

Applicant traverses the requirement by the Examiner to elect a species because the Office action does not clearly identify the two species and three subspecies. *See M.P.E.P. § 809.02(a)*. For example, Figures 3A and 3B are schematic diagrams that illustrate one embodiment of a clamping assembly in two different positions. Figure 3C is another schematic diagram of another linkage assembly that can be employed with the Clamping Assembly of Figure 3B. *Specification, [0017]*. Figure 3A illustrates one embodiment "in its open position." *Specification, [0015]*. Figure 3B illustrates "the clamping assembly of Figure 3A in its closed position." *Specification, [0016]*. Thus, Applicant submits that the Restriction Requirements is

**Appl. No.** : 10/714,368  
**Filed** : November 14, 2003

unclear as to how, at least, Figures 3A and 3B might disclose different sub-species. Further, Applicant submits that the Examiner has not clearly identified what characteristic distinguishes Figure 4 from Figures 3A, 3B, and 3C.

Thus, because Applicant is unable to identify what the Examiner believes to be the distinguishing characteristic of Species 1 and 2 and the subspecies of Species 1, Applicant traverses the requirement to elect a species. Further, for the same reason, Applicant does not take a position at this time as to whether Figures 3A, 3B, 3C, and 4 or particular combinations of these figures are identified with claims that are or are not patentably distinct. Moreover, the specification recites that “[a]nother embodiment of the clamping assembly [is] described with reference to Figures 4 *through* 15.” *Specification, [0047]* (emphasis added). Thus, Applicant submits that in claims to inventive aspects disclosed by Figure 4 may also encompass, at least, the disclosure of Figures 5-15. Applicant therefore requests that the Examiner withdraw the requirement to elect between Species 1 and Species 2.

## II. Conclusion

If the Examiner finds any impediment to the prompt allowance of the claims that could be clarified with a telephone conference, the Examiner is respectfully requested to initiate the same with the undersigned. Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: November 14, 2005

By: 

John G. Rickenbrode  
Registration No. 57,067  
Attorney of Record  
Customer No. 20,995  
(619) 235-8550

2061356  
111005